

**Form 9. FINAL CONSERVATOR'S ACCOUNT**

**Name of Person Filing Document:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City, State, Zip Code:** \_\_\_\_\_  
**Telephone Number:** \_\_\_\_\_  
**Attorney Bar Number (if applicable):** \_\_\_\_\_  
**Licensed Fiduciary Number (if applicable):** \_\_\_\_\_  
**Representing Self or Attorney for:** \_\_\_\_\_

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF «COUNTY»

IN THE MATTER OF THE  
CONSERVATORSHIP FOR

«Protected Person's Name»,

☐ a Minor  
☐ an Adult

NO. «CaseNo.»

FINAL  
CONSERVATOR'S ACCOUNT  
☐ with BUDGET  
☐ Amendment

(Assigned to the Honorable  
«Judicial Officer»)

**Confidential Document**  
*Rule 7, Rules Probate Proc.*

REQUIRED ATTACHMENTS, which are to be attached in the following order:

- ☐ SCHEDULE 1: Statement of Receipts and Disbursements
- ☐ SCHEDULE 2: Statement of Net Assets & Reconciliation
- ☐ Statement of Asset Distribution
- ☐ RECENT BANK STATEMENT for each bank account
- ☐ Supporting Detail required for SCHEDULE 1
- ☐ Supporting Detail required for SCHEDULE 2
- ☐ TRANSACTION LOG, detailing all financial transaction during the current reporting period, reported by category.

**CONSERVATOR'S CERTIFICATION**

I, the undersigned, acknowledge that I have read and reviewed this form, accompanying schedules and attached supplements, and after reasonable inquiry have a good faith belief that the information in this report is true, accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
<<Conservator Name>>

\_\_\_\_\_  
<<Date>>

## Form 9. Continued

### INSTRUCTIONS FOR FORM 9: FINAL CONSERVATOR'S ACCOUNT

#### Purpose of Form:

Use Form 9 to prepare and report the final conservator's account, concerning the administration of the estate.

If this conservatorship consists of a small estate or has very little activity, ask the Court to authorize the conservator to file Form 10, which is a simplified conservator's account; you must file the full report, unless the simplified conservator's account is authorized.

#### When to File:

Generally, each conservator's account and budget covers a one year period, such that each reporting period is referred to as a year. However, a final conservator's account typically covers the entire final period of the conservatorship from the date of the last conservator's account, which may be more or less than one year.

Please note, unless prohibited by the Court, under certain circumstances a final account is not required. See Section 14-5419, Arizona Revised Statutes.

You must review the Court's orders in your case, which may establish different requirements to conclude the conservatorship and to be discharged as conservator, since every conservatorship is unique to some degree.

Form 9 is filed as a confidential document; the account is not available for public inspection.

#### General Instructions:

All references in these instructions to "you" refer to the conservator, and all references to "year" refer to the reporting or accounting period.

Unless otherwise ordered by the Court, Form 9 requires attachments, including but not limited to SCHEDULE 1: Statement of Receipts and Disbursements; and SCHEDULE 2: Statement of Net Assets & Reconciliation. In addition to the required schedules, certain answers require supporting detail, which are also required attachments to Form 9. As to any supporting detail, identify the schedule, line and, if appropriate, column that is detailed.

You should complete the required schedules prior to completing Form 9, because Form 9 is essentially a coversheet as you gather together your complete report, and it includes a

certification that the report is true, accurate and complete to the best of your knowledge and belief. Don't sign this certification until you have read and reviewed the completed report.

#### Helpful Suggestion:

These instructions assume that Form 9 and all schedules are being completed manually on paper forms. However, Form 9 and all schedules are also available in an electronic format at no cost and will automate all of the calculations. Please see:

[www.azcourts.gov/](http://www.azcourts.gov/) [add full cite]

#### Notice:

Any estimates allowed or required by these instructions are not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for litigants to seek collateral remedies against each other or to obtain tactical advantages in proceedings before a court.

#### Specific Instructions:

##### SCHEDULE 1 (Form 9): Statement of Receipts and Disbursements

##### Column Instructions:

SCHEDULE 1 consists of columns that are divided into two basic categories: Column A relates to the past, meaning information that was previously reported; and Columns B through E relate to the present, meaning information that you are reporting for the year just ended. **Please note: Columns F & G are not used on Form 9 and are intentionally left blank.**

You may be required to use all of the columns in SCHEDULE 1 or just some of the columns, depending whether the Court requires a budget.

##### Column A – Actual Results Prior Period:

Complete Column A to present information from the last conservator's account; this information is presented for comparison purposes only, and must be copied directly from Column C of last year's SCHEDULE 1, including the starting and

ending dates. If the conservatorship was in existence last year, but you were appointed as a successor conservator and this is your first conservator's account, you still include your predecessor's information in Column A, but you are not attesting to the accuracy of this information and are not responsible for verifying the activity reported by the prior conservator.

**Column B – Budget, Period Just Ended:** If you were required to file a budget for the year just ended, enter the budget for the year just ended in Column B. Please note: if the budget was amended during the year, enter the final amended budget in Column B and describe the amendments as supporting detail to SCHEDULE 1.

**Column C – Actual Results, Period Just Ended:** Complete "Column C" to report the conservator's account for the year just ended. This is the column where the actual receipts and disbursements for the year just ended are reported.

**Column D – Deviation from Budget, & Column E – Deviation as Percent:** If you are required to complete Columns B and C, then compute Columns D and E, which show the dollar amount and percent of deviation, respectively, between the budget and actual results. The formulas to calculate the deviation are shown in the headers to Columns D and E. *Please remember, if you are using the electronic version of this Form, the formulas are embedded and both columns are automatically calculated, as are all calculations on the Form.*

**Column F – Budget Current Year:** Since this is a final conservator's account; this Column is intentionally left blank.

**Column G – Change Requested:** Since this is a final conservator's account; this Column is intentionally left blank.

#### Line Instructions:

As you determine what to enter on each line, please remember that transactions are recognized on SCHEDULE 1 when money is received or money is disbursed by the conservatorship. In accounting terms, transactions are recognized on a cash basis: you list receipts and disbursements when money effectively changes hands.

*For example, if a cost is incurred but not paid before the end of a reporting period, the cost is not listed as a disbursement until paid.*

*For example, if a check is mailed before the end of a reporting period but does not clear the bank until early in the next reporting period, the disbursement is treated as paid when the check was mailed.*

Receipts reported on SCHEDULE 1 include any money, whether income to the estate, liquidation of any general estate asset, or the proceeds of any loan to the estate.

Once you determine which columns of SCHEDULE 1 are required, complete each row as follows:

**Line 1 – Start Date of each Period:** Enter the start date for each period.

*For example, if a conservator files an account that is due on September 30, 2012, for the period from July 1, 2011 to June 30, 2012:*

- Column A will have a start date of July 1, 2010, and
- Columns B and C will have a start date July 1, 2011.

**Line 2 – End Date of each Period:** Enter the end date for each period. *Using the preceding example, the end date in Column A is June 30, 2011, but the end date in Columns B and C is the end date for the Conservatorship.*

**Line 3 – Retirement and Disability Income:** Enter all regular and recurring income that is received as a result of retirement or disability, including but not limited to Social Security, Railroad Retirement, pension benefits, Social Security Disability, Supplemental Security Income, and worker's compensation benefits. Do NOT include distributions from tax-deferred investments, such as 401K and IRA funds.

**Line 4 – Annuities, Structured Settlements, and Trust Income:** Enter all income that is received from annuities, structured settlements or trust income that is not already included in line 3.

**Line 5 – Wages and Earned Income:** Enter all wages and earned income of the protected person that is not included in lines 3 or 4.

**Line 6 – Investment and Business Income:** Enter all investment and business income, including but not limited to interest, dividend, rent, and royalty income that is not included in lines 3, 4 or 5.

**Line 7 – Other Receipts:** Enter any other receipts that are not included in lines 3 through 6, including but not limited to any other income, any distributions from tax-deferred investments, such as 401K or IRA funds, any amount received from selling an asset, or the proceeds from any new loan to the protected estate. Attach a detailed statement explaining the other receipts.

**Line 8 – Total Receipts:** Add lines 3 through 7 in each column to calculate the Total Receipts reported for each column.

**Line 9 – Assets/Liabilities as Receipts:** The number you reported on line 8 shows the total receipts to the conservatorship, but it is also important for the Court to know whether the conservatorship is going to be able to meet the lifetime needs of the protected person; and for this reason, the court needs to know how much of the receipts came from consuming assets or from borrowing money.

Enter on line 9 the amount of money that is already included in line 8 that came from selling or liquidating an asset or from incurring a new liability.

*For example, if you receive a required minimum distribution from an IRA fund which pays out the earnings as well as some amount of the principal, enter the total distribution on line 7 and enter the amount of the principal received on line 9.*

*For example, if you receive the proceeds from an installment sale over a period of years, and this year you receive interest on the unpaid balance plus a payment on the balance due, enter the total payment received this year on line 7 and enter the principal portion of the receipts on line 9.*

*For example, if you sell an asset, such as a residence, enter the net amount received on line 7 and enter the same amount on line 9.*

*For example, if the conservator borrows money to pay the bills of the protected person, enter the amount of the new loan on lines 7 and 9 and include as a liability on SCHEDULE 2.*

**Line 10 – Total Income included in Receipts:** Subtract line 9 from the Total Receipts on line 8.

**Line 11 – Food, Clothing, and Shelter:** Enter the disbursements for goods or services provided to a protected person that are essential for survival, excluding medical costs but including food, clothing, and shelter for the protected person. (For the limited purpose of reporting a disbursement on line 11, expenditures for food, clothing, and shelter remain essential for survival even if there are less expensive alternatives.)

*For example: enter the regular fees to a care facility, required companions or care providers, food, clothing, toiletries, utilities, or household expenses including home mortgage payments for the protected person's residence.*

**Line 12 – Medical Costs:** Enter all of the medical payments for the protected person that are not included on line 11, including but not limited to medical, dental, optical, hearing, medical equipment and supplies, prescription

and non-prescription medicines, insurance premiums and co-pays.

**Line 13 – Dignity Funds:** Enter the amount of funds that are released directly to the protected person as a spending allowance. Do NOT report how the protected person expended these funds; these funds are no longer considered part of the conservatorship estate.

**Line 14 – Debt Service on Liabilities:** Enter the amount of debt service payments on debts, such as loans and personal debts of the protected person.

- Do NOT include the home mortgage payment on the residence where the protected person resides (this was reported on line 11).
- Do NOT include as debt service any disbursements for obligations incurred in a prior period of the conservatorship, such as fiduciary and attorney fees and costs. Report these amounts in the appropriate disbursement category when paid.

*For example, if the fiduciary earned a fee in one period, but the fee was paid in a later period, the fee is reported as a disbursement on line 18 when paid, NOT line 14. Any operating bills of the conservatorship are treated in the same manner, such as fees to care providers that are incurred but not paid until a later year.*

*For example, if the protected person has an outstanding credit card debt that was incurred before a conservator was appointed, the debt service payments on this debt are reported on line 14.*

*For example, if the protected person has an outstanding car loan that was incurred before a conservator was appointed, the debt service payments on this debt are reported on line 14.*

*For example, if the Conservator takes out a loan for the benefit of the protected person, such as a loan to fund the needs of the protected person until real estate or a business interest is sold, all debt service payments on this debt are reported on line 14.*

**Line 15 – Discretionary Expenditures:** Discretionary expenditures means all goods and services provided to a protected person that are not essential for survival but are designed to improve or prolong the quality and enjoyment of life for the protected person, such as entertainment and vacation costs. Discretionary care does NOT include expenditures that are included on another line on SCHEDULE 1.

**Line 16 – Other Disbursements for Protected Person:** Report other disbursements

that are made for the protected person but not included on another line on SCHEDULE 1, including disbursements that are made for a dependent of the protected person. Include on line 16 the purchase of any asset, such as a residence, vehicle, or computer. Attach supporting detail explaining the other disbursements.

*For example, if a residence was purchased for the protected person, report the cash down-payment on line 16, mortgage payments on line 11, and list the mortgage as liability on SCHEDULE 2. (see line 24 where this down-payment is also entered)*

*For example, if the conservator invests in a marketable security, such as a mutual fund or publically traded stock, enter the disbursement on line 16 (see line 24 where this purchase is also reported).*

*For example, enter on line 16 any tax payment that is not already listed on another line.*

**Line 17 – Total for Protected Person:** Enter the sum of lines 11 through 16.

**Line 18 – Fiduciary Fees and Costs:** Enter the expenditures for Fiduciary Fees and Costs. Fees are compensation paid to the Fiduciary. Costs include administrative charges that are authorized in the Statewide Fee Guidelines, such as filing fees and postage. Costs do NOT include funds advanced for the benefit of a protected person, such as disbursements for food, clothing and shelter.

**Line 19 – Fiduciary’s Attorney Fees and Costs:** Enter the Fiduciary’s Attorney Fees and Costs.

**Line 20 – Protected Person’s Attorney Fees and Costs:** Enter the Protected Person’s Attorney Fees and Costs, including court-appointed counsel and any guardian ad litem, if paid by the conservator.

**Line 21 – Other Administrative Fees and Costs:** Report other disbursements that are an administrative fee or cost of the conservatorship that are NOT included on another line on SCHEDULE 1, such as an appraiser, financial advisor, court investigator, or accountant. Attach supporting detail explaining any other expenditure.

**Line 22 – Total Administration Disbursements:** Enter the sum of lines 18 through 21.

**Line 23 – Total Disbursements:** Add lines 17 and 22.

**Line 24 – Assets/Liabilities as Disbursements:** The number you reported on

line 23 shows the total disbursements of the conservatorship, but the court also needs to know how much was disbursed to satisfy debts or acquire assets.

Enter the amount that is included in line 23 that reduced the principal balance of a debt or was expended to acquire an estate asset.

*For example, if you expend funds on an installment purchase over a period of years, and this year you pay interest on the unpaid balance plus a payment on the balance due, enter the total payment (interest and principal) on line 14 and enter the principal portion of the payment on line 24.*

*For example, if you buy a residence for the protected person, enter the net amount disbursed as a down-payment on line 14 and enter the same amount on line 24. Thereafter, any mortgage payments are reported on line 11, and this obligation will now be reported as a debt on SCHEDULE 2.*

*For example, if the conservatorship previously borrowed money to pay the bills of the protected person, enter any the debt service payment for the loan on line 14 (including principal and interest), and enter the principal amount paid (but not interest) on line 24.*

**Line 25 – Total Expenses in Disbursements:** Subtract line 24 from the Total Disbursements on line 23.

**Line 26 – Total Surplus/(Shortfall):** Enter line 8 minus line 23. If the amount is positive, this is a cash-flow Surplus. If the amount is negative, this is a cash-flow Shortfall, and the number must be displayed in parentheses or preceded by a negative sign.

**Line 27 – Net Income/(Net Expenses):** Enter line 10 minus line 25. If the amount is positive, this is the amount by which income exceeds expenses. If the amount is negative, this is the amount by which expenses exceed the income of the conservatorship, and a negative number must be displayed in parentheses or preceded by a negative sign.

## **SCHEDULE 2 (Form 9): Statement of Net Assets & Reconciliation**

**Section 1 – Net Assets:** The first section of SCHEDULE 2 includes the previous report of net assets for comparison purposes with an updated report of net assets, including an explanation of any changes.

### **Column Instructions:**

**Column A – Valuations Reported in Prior Period:** Complete Column A to display

information from the last report of net assets; this information is presented for comparison purposes only and can be copied directly from Column B of last year's SCHEDULE 2, including the statement date. If the conservatorship was in existence last year but you were appointed as a successor conservator, and this is your first conservator's account, you will still include your predecessor's information. You are not attesting to the accuracy of this information, and you are not responsible for verifying the activity reported by the prior conservator, but you are responsible for disclosing to the court any discrepancies that you discover.

**Column B – Updated Final Valuations:**

Complete Column B to provide an update about the net assets of the conservatorship at the conclusion of the conservatorship, including additions, deletions, and changes in value.

As a reminder, when you filed your original inventory, you were required to provide a valuation of all the property, and some assets were easy to value, like bank accounts, but some assets were difficult to value, like real estate, and may have required the services of a professional appraiser. However, when filing an annual conservator's account and completing SCHEDULE 2, you are not required to file another formal inventory but only provide an update on the net assets of the estate, including your good faith estimate of any significant changes in valuation, which may be based upon your personal opinions. You are not required to seek the opinion of a professional appraiser. Of course, the balance in bank accounts can always be readily determined and must be accurately reported after deducting any outstanding checks or adding any deposits that are not yet posted.

Unless otherwise ordered by the Court, do not include in the net asset report any property that is titled in the name of a different legal entity, such as property held by a trust or corporation, unless you as conservator can exercise a power of direction over the asset. A power of direction includes the ability to direct the other legal entity to transfer title or possession to the property.

When reporting the value of all general assets do NOT deduct any liens or mortgages. Debts are separately reported as liabilities.

**Column C – Change from Prior SCHEDULE 2, Column D – Change as Percent, & Column E – Explanation of Change:** Compute Columns C and D, which show the dollar amount and percent of change, respectively, from last year to this year. The mathematical calculation is shown in the header to Columns C and D. Complete Column E to explain any changes in the value or composition of the assets or liabilities included in the category; and if more

space is required, file an explanation as supporting detail.

**Line Instructions:**

**Line 1 – Valuation Report Date:** Enter the date of each report of net assets. Column A is the end date of the prior account (this is found on SCHEDULE 1, Column A, line 2), and Column B is the final date of your current conservator's account (this is found on SCHEDULE 1, Column C, line 2).

**Line 2 – Real Estate:** Enter the value of all real estate owned by the estate, such as the residence of the protected person, any rental or vacation real estate, and any cemetery plots. *Remember to enter the gross value of ALL assets and do not deduct liens or mortgages; ALL liabilities are listed separately on line 17 as debts.*

**Line 3 – Vehicle(s):** Enter the value of any vehicles, such as a personal automobile, motorcycle, golf cart, watercraft, airplane, or recreational vehicle.

**Line 4 – Business Ownership Interests:** Enter the value of any business ownership interests, such as a closely held family business. Do not list shares in a publicly traded corporation on line 4.

**Line 5 – Household Items and Personal Effects:** Enter the value of household items and personal effects that are owned by the protected person, which commonly include the property that the protected person stored in his or her primary residence, including displayed collectible items. Property with significant value, like precious jewelry and valuable collections, should be itemized and included separately on line 8.

**Line 6 – Stocks, Bonds, and Mutual Funds, not tax-deferred:** Enter the present value of stocks, bonds, mutual funds, and other marketable securities, such as savings bonds and bearer bonds, but excluding business interests that were entered on line 4 or tax-deferred assets that are entered below on line 7.

**Line 7 – Tax-Deferred Assets:** Enter the present value of tax-deferred assets, such as IRA and 401(K) accounts. Include all tax-deferred assets, including but not limited to tax-deferred cash accounts, certificates of deposit, savings accounts, and brokerage accounts.

**Line 8 – Other General Assets:** Enter the present value of all other assets that are not already listed, excluding cash and regular bank accounts. Include the cash value of any insurance policies or any prepaid benefits, such as prepaid funeral plans.

**Line 9 – Total General Assets:** Enter the sum of lines 2 through 8.

**Line 10 – Bank Accounts, Restricted**

**Access:** Enter the cash balance of any bank accounts that are court-restricted, meaning funds may not be withdrawn without a court order. Bank accounts include checking, saving, certificates of deposit, money market accounts, and all functionally similar accounts, whether in a bank, savings and loan, credit union, or other similar financial institution. Do not include tax-deferred assets that were listed above on line 7.

**Line 11 – Bank Accounts, Unrestricted**

**Access:** Enter the cash balance of any bank accounts that are NOT court-restricted, meaning funds may be withdrawn without a court order.

**Line 12 – Cash on Hand:** Enter the amount of currency that you have on behalf of the estate, such as a petty cash fund. Do not include coin collections on this line, unless the coins have no collectible value above the face value of the coins.

**Line 13 – Other Money-Denominated**

**Assets:** Enter the value of other money denominated assets, such as a cash card. These assets are functionally equivalent to money in a bank account and do not change in value by market fluctuation, except by receipt of a dividend or interest. Attach supporting detail.

**Line 14 – Total Cash and Bank Accounts:** Enter the sum of lines 10 through 13.

**Line 15 – Total Available Assets:** Add lines 9 and 14.

**Line 16 – Bills & Payables more than 30 days old:** Enter the amount of any and all past-due bills and payables, plus ALL incurred but unpaid fiduciary and attorney fees and costs, as of the end of the reporting period. Attach supporting detail.

**Line 17 - Debts:** Enter the amount of all other debts, such as notes, mortgages, credit cards and personal loans, as of the end of the reporting period. Attach supporting detail.

**Line 18 – Total Liabilities:** Add lines 16 and 17.

**Line 19 – Net Assets:** Enter line 15 minus line 18. This is the value of the net assets as of the date of the reporting period.

**Section 2 – Reconciliation of Conservator’s**

**Account:** The second section of SCHEDULE 2 is utilized to reconcile the cash flow information reported on SCHEDULE 1 to the net asset information reported on SCHEDULE 2. The purpose for this reconciliation is to prove that the ending balance in cash and bank accounts

matches the starting balance plus receipts and minus disbursements.

**Line 20 – Starting Cash Balance:** Enter starting Cash Balance from SCHEDULE 2, Column A, line 14.

**Line 21 – Total Receipts:** Enter Total Receipts from SCHEDULE 1, Column C, line 8.

**Line 22 – Available Funds:** Add lines 20 and 21.

**Line 23 – Total Disbursements:** Enter Total Disbursements from SCHEDULE 1, Column C, line 23.

**Line 24 – Ending Cash Balance:** Calculate Ending Cash Balance by subtracting line 23 from line 22. The result must equal the Ending Cash Balance as reported on SCHEDULE 2, Column B, line 14. If these amounts do not match, there is an error in the report.

**Statement of Asset Distribution:**

You are required to attach a statement to your final conservator’s account describing what happened to any remaining assets that were in your care at the conclusion of the conservatorship.

Were the assets returned to the former protected person, who is no longer incapacitated? If the former protected person is deceased, were the assets transferred to an appointed personal representative of the decedent’s estate? If neither circumstance applies, who received the assets and why are they entitled to do so.

Please remember: you remain responsible for protecting this estate until you are discharged and relieved of this responsibility. If you distribute the assets without authority, you can be personally liable for any improper distribution.

**FORM 9: Final Conservator’s Account:**

Form 9 is largely a self-explanatory document; it serves as a coversheet for your complete annual report.

When filing Form 9, you are required to attach SCHEDULES 1 and 2, a Statement of Asset Distribution, as well as a copy of bank statements for all accounts as of the date of the final conservator’s account. If you need to attach any supporting detail to any schedule, this detail is also a required attachment. Check each box on Form 9 for each included attachment.

When amending Form 9, include any required attachments that are changed as a result of the amendment. Check each box on an amended Form 9 for each included attachment.

Organize all required attachments in the same order as shown on Form 9.

Sign Form 9 when you are finished and have reviewed the form and all required attachments. When you sign, you are certifying that you have read and reviewed the entire report and, after reasonable inquiry, you have a good faith belief that the information in this report is true, accurate and complete to the best of your knowledge and belief.

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